

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

HERBERT E. LEWIS

Criminal Action No.

1:21-CR-00231-TCB-CMS

**ORDER**

WHEREAS the discovery materials provided and otherwise made available to the defendant by the United States in this case are voluminous, and contain sensitive information pertaining to individuals and companies, some of whom are not parties to the litigation, as well as sensitive information that might be subject to the provisions of the Bank Secrecy Act; and

WHEREAS redaction of all potential sensitive information in this voluminous production would be unduly burdensome, and would be subject to error given the volume of documentation involved in this production;

THEREFORE, IT IS HEREBY ORDERED pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure that:

1. Any and all materials and information provided by the United States to the defendant (hereinafter referred to in this order as “discovery”) are to be used by the defendant and his counsel solely for the purpose of allowing the defendant to prepare his defense, and that neither the defendant, defense counsel, nor members of the defense team will disseminate, disclose, or provide discovery materials containing the sensitive information identified herein, to anyone who is not necessary to the preparation of the defense.

2. All discovery materials provided by the United States, regardless of whether such materials and information have already been produced or will be produced in the future, and regardless of whether such materials and information have or will be produced pursuant to Rule 16 or otherwise, shall not be further disseminated by the defendant or his counsel to any individual, organization, or other entity, other than: (1) members of the defense team, i.e., co-counsel, paralegals, investigators, litigation support personnel, the defendant, and secretarial staff; (2) any experts or consultants retained to assist in the preparation of the defense; and (3) the Court, unless the sensitive information identified herein is redacted from such materials and information. Upon any dissemination of the materials and information containing the sensitive information identified herein, defense counsel will inform the recipient of this Protective Order and the requirement to maintain the confidentiality of the information conveyed.

3. Defense counsel, any co-counsel, and any investigators may display copies of any discovery containing the sensitive information identified herein, to nonexpert witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case, and may do so without any notice to the United States. Defense counsel may also provide copies of discovery documents to witnesses in advance of meeting with them, so long as the witnesses agree that they would not disseminate the documents, and so long as defense counsel retrieves all copies of the documents from the witness subsequent to meeting with them.

4. If defendant's counsel desires to disclose any discovery or make available or communicate the content of such discovery containing the sensitive

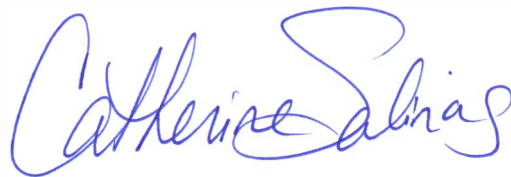
information identified herein, to any other person not described in this Order, Government's counsel must first be so advised and seek to reach an informal resolution of or agreement on the matter. If an agreement cannot be reached, defendant's counsel shall apply to the Court for relief from this Order.

5. If defendant's counsel desires to file any discovery as attachments to motions and it appears that the discovery contains information subject to this Order, the discovery must be filed under seal so as not to reveal sensitive information on the public docket.

5. This ORDER solely governs the defendant and defense team's use of documents produced in this action from the United States. This ORDER does not limit the defendant and defense team's use of documents that they might already possess prior to receiving discovery, or might obtain through other means.

6. This ORDER shall survive the final termination of this action, and that upon termination of this action and, upon the termination of any appeal, counsel for the defendant shall return all copies of the discovery to the Government, or shall certify that said documents have been destroyed.

SO ORDERED THIS 12th day of August, 2021.



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CATHERINE M. SALINAS  
UNITED STATES MAGISTRATE JUDGE

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